

**DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee**

SECOM-D-224

27 October 1983

25X1

MEMORANDUM FOR:
Executive Office of the President
Office of Management and Budget
National Security Division (Intelligence)

25X1

FROM:
Chairman, Security Committee

25X1

SUBJECT: Nondisclosure Agreements for SCI

25X1

1. This memorandum responds to your request for information on the status of the Intelligence Community with regard to application of the Mathias Amendment to the 1984 Foreign Relations Authorization Bill (Tab A). That bill prohibits implementation of any prepublication review requirement different from the rules in effect on 1 March 1983. This paper reviews the posture of the Intelligence Community on prepublication review vis-a-vis the Mathias Amendment. Comments on the legal aspects of the amendment will be provided later through appropriate channels.

25X1

2. A review of the execution of nondisclosure agreements with prepublication review clauses indicates that virtually all SCI-accessed persons in the Department of Defense (DoD) and the Department of Justice (DoJ) have signed such documents. In other agencies, implementation ranges from about 50% upward.

25X1

3. The Intelligence Community has a long history of using nondisclosure agreements with implicit and explicit prepublication review requirements. CIA developed and most of the Community used Form 4066 (last edition dated September 1979) which contained an implicit requirement. That form was replaced in July 1981 by Form 4193 (Tab B) which contained an explicit requirement. In June 1982 the Intelligence Community was directed to condition initial or continued access to SCI upon signature of an agreement containing an explicit prepublication review requirement. This was promulgated in the Director of Central Intelligence Security Policy Manual for SCI Control Systems dated 28 June 1982 (Tab C). Some agencies have published internal regulations on this topic, while others require the execution of a nondisclosure agreement under the terms of the SCI Security Policy Manual.

CL BY SIGNER
DECL OADR

CONFIDENTIAL

CONFIDENTIAL

25X1

4. The Central Intelligence Agency, based upon the SCI Security Policy Manual, requires CIA employees and assignees, contractor personnel and personnel of agencies which are not members of the National Foreign Intelligence Board (NFIB) to sign Form 4193 (9-83) (Tab D), which is a revision of the July 1981 version. Because both the 1981 form and the CIA entrance-on-duty security agreement contain prepublication review requirements, CIA is concentrating on getting persons newly approved for SCI access, those receiving additional SCI access, or those undergoing investigation or reindoctrination, to sign the 1983 form. CIA's Special Security Center administers the SCI security program for non-NFIB agencies, including, among others, the National Security Council, Department of Commerce, National Aeronautics and Space Administration and Department of the Interior. During the period July 1981 through February 1983, 27,691 persons under CIA cognizance executed Form 4193. [redacted]

25X1

5. The National Security Agency, by letter from its Director dated 1 February 1983 (Tab E), and an amendment to its personnel manual dated 31 January 1983 (Tab F), required all civilian employees, contractor personnel and military personnel occupying NSA billets to sign a unique NSA secrecy agreement containing a prepublication review agreement dated January 1983 (Tab G). This replaced an April 1982 NSA secrecy agreement which also contained an explicit prepublication review requirement. NSA has gotten close to 100% of their eligible personnel to sign the new form. [redacted]

25X1

6. The Department of State has utilized Form 4193 since the summer of 1981. Approximately 4,500 persons under the security cognizance of State, which includes the Arms Control and Disarmament Agency (ACDA) and the Agency for International Development (AID), have SCI access authorizations. Of these, about 2,000 have signed Form 4193 and about 500 are detailed to State from other agencies. The remaining 2,000 will over time be required to sign the new Form 4193. [redacted]

25X1

7. The Defense Intelligence Agency (DIA), which administers SCI policy for the Department of Defense (DoD), advises that nondisclosure agreements with prepublication review clauses were mandated by a letter from the Deputy Under Secretary of Defense (Policy) on 27 August 1981. This was based on issuance to the Intelligence Community in July 1981 of Form 4193 with the explicit prepublication review requirement. Subsequently, DoD Manual 5200-17, covering SCI security, was revised to require such agreements. To date, 157,100 DoD military, civilian and contractor personnel have signed the agreements. This figure is 15% to 20% higher than the current total of Defense SCI accesses because of attrition among cleared persons. [redacted]

25X1

8. The Department of Energy (DoE), under the mandate of the SCI Security Policy Manual, has 325 employees who have signed Form 4193, out of 600 SCI-approved personnel. Another 175 are in process for SCI approval. The Treasury Department, also relying upon the SCI Security Policy Manual, has had 1,407 of a total of 1,740 SCI-approved persons sign Form 4193. Most of these individuals are members of the U.S. Secret Service. [redacted]

CONFIDENTIAL

CONFIDENTIAL

9. The Department of Justice (DoJ) has had all SCI-accessed DoJ and Drug Enforcement Agency personnel (about 386 persons) sign both the 1981 and the 1983 models of Form 4193, the latter under DoJ Order 2620.8 dated 25 August 1983 (Tab H). (C)

10. The Federal Bureau of Investigation has had 830 of 1,300 SCI-accessed persons sign Form 4193 between July 1981 and February 1983. (C)

25X1

**Attachments:**

- Tab A: Mathias Amendment to the 1984 Foreign Relations Authorization Bill
- Tab B: DCI Security Policy Manual for SCI Control Systems
- Tab C: Form 4193 (7-81)
- Tab D: Form 4193 (9-83)
- Tab E: Letter from Director, NSA dated 1 February 1983
- Tab F: NSA amendment to personnel manual dated 31 January 1983
- Tab G: NSA secrecy agreement containing prepublication review agreement
- Tab H: DoJ Order 2620.8 dated 25 August 1983

CONFIDENTIAL

25X1 SUBJECT: Nondisclosure Agreements for SCI [redacted]

Distribution:

Orig - Addressee w/atts

1 - OLL [redacted]

1 - OLL [redacted]

1 - D/ICS w/att

1 - C/SECOM w/att

1 - ICS Registry w/att

25X1 SECOM/ [redacted]